

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES ANTHONY ANDREW
WESTERMAN,

Defendant.

CR-15-14-H-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 4, 2024. (Doc. 100.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on April 2, 2024. (Doc. 97.)

The United States accused James Westerman (Westerman) of violating his conditions of supervised release 1) by failing to report to sexual offender treatment on March 11, 2024 and March 18, 2024; 2) by failing to report to his probation officer as directed on two separate occasions, March 12, 2024 and March 19, 2024; and 3) by failing to enter and successfully complete sex offender treatment, being terminated from the program on March 19, 2024. (Doc. 94.)

At the revocation hearing, Westerman admitted to having violated the conditions of his supervised release 1) by failing to report to sexual offender treatment; 2) by failing to report to his probation officer as directed on two separate occasions; and 3) by failing to enter and successfully complete sex offender treatment. (Doc. 97.) Judge Johnston found that the violations Westerman admitted are serious and warrants revocation of his supervised release and recommends a sentence of 5 months, with 25 months of supervised release to follow. Westerman was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 97.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 100) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant James Anthony Andrew Westerman be sentenced to the

Bureau of Prison for 5 months, with 25 months of supervised release to follow.

Westerman may petition the Court for early release of his supervised release upon successful completion of sex offender treatment.

DATED this 22nd day of April, 2024.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court